



MINUTES

of the Ordinary Meeting of Council

held remotely using audio visual link and open to members of the
community via webcast

on

Wednesday 12 August 2020

The meeting commenced at 3.30pm

File No. 100/2020

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 22 July 2020	
Extraordinary Meeting of Council on 29 July 2020	
6. DECLARATIONS OF INTEREST	3
7. MAYORAL MINUTES.....	4
7.1 Resignation of Councillor Gordon Markwart.....	4
8. PUBLIC FORUM	5
9. VISITOR MATTERS	5
OPERATIONS	
Nil	
CORPORATE AND STRATEGY	
9.1 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral.....	6
10. EN BLOC MOTION	7
11. OPERATIONS FINANCE AND RISK	8
11.1 Tender for Bowral Cemetery Improvements – 107 Kangaloon Road, Bowral	8
11.2 Draft Walking Tracks Strategy	9
11.3 Sale of Council Property - Frankland Street Mittagong	10
11.4 Proposed Road Closure - Part Argyle Street - Mittagong.....	11
12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	12
12.1 Development Applications Determined from 23 June 2020 to 26 July 2020	12
12.2 Development Applications Received from 23 June 2020 to 26 July 2020	13
12.3 Development Application 20/0355 - Use of an Existing Farm Building and its Immediate Surrounds for Auction Sales of Antique Furniture and Old Wares Occurring Twice per Year Over a 5 Year Period at 4980 Illawarra Highway, Robertson	14
12.4 Heritage Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral, and Request for Interim Heritage Order	16
12.5 Proposed Amendments to Code of Meeting Practice.....	18

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020



12.6	Mayor and Deputy Mayor Election 2020	19
12.7	Local Government Conference 2020	20
12.8	Update on the Wingecarribee Animal Shelter Project	22
13.	GENERAL MANAGER	23
13.1	Exclusion of Notice of Motion from Business Paper on 12 August 2020	23
14.	DELEGATE REPORTS	24
	Nil	
15.	PETITIONS.....	24
	Nil	
16.	COMMITTEE REPORTS	25
16.1	Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 19 June 2020.....	25
17.	QUESTIONS WITH NOTICE	26
17.1	Question with Notice 30/2020 - Report on Alternate Bowral Bypass	26
17.2	Questions with Notice 31/2020 Station Street Upgrade.....	27
17.3	Questions with Notice 32/2020 Federal Grant Funding	28
17.4	Questions with Notice 33/2020 General Manager Contract of Employment.....	29
17.5	Questions with Notice 34/2020 Appointment of General Manager	30
17.6	Questions with Notice 35/2020 Royal Commission into NSW Bushfire Inquiry.....	31
18.	NOTICES OF MOTION.....	32
18.1	Notice of Motion 30/2020 - Local Housing Strategy and Local Strategic Planning Statement - Wensleydale	32
18.2	Notice of Motion 31/2020 Wellness Survey	33
19.	CLOSED COUNCIL.....	34
	Moving into Closed Session.....	34
19.1	Tender for Bowral Cemetery Improvements – 107 Kangaloon Road, Bowral	35
20.	RESUMPTION OF OPEN AGENDA.....	36
21.	MEETING CLOSURE	36

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 12 AUGUST 2020 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews*
Clr K J Halstead OAM*
Clr G McLaughlin*
Clr P W Nelson*
Clr I M Scandrett*
Clr G M Turland*
Clr L A C Whipper*

In Attendance:

Acting General Manager	Mr Barry W Paull
Acting Deputy General Manager	
Operations, Finance and Risk	Mr Richard Mooney
Deputy General Manager Corporate	
Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and	
Community	Ms Danielle Lidgard
Group Manager Planning,	
Development and Regulatory Services	Mr Nicholas Wilton*
Group Manager Project Delivery	Mr Ned Tripkovic
Chief Information Officer	Mr John Crawford
Manager Assets	Mr Stace Lewer*
Coordinator Strategic Land Use Planning	Mr Michael Park*
Coordinator Media and Communications	Mr David Sommers*
Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr G J Andrews acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in civic prayer by the Mayor, Clr TD Gair.

4. APOLOGY

PERS

MN 308/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT the apology of Clr Whipper be accepted and leave of absence granted.

PASSED

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 22 JULY 2020

MN 309/20

MOTION moved by Deputy Mayor Clr G M Turland and seconded by Clr P W Nelson

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 22 July 2020 MN 276/20 to MN 303/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 29 JULY 2020

MN 310/20

MOTION moved by Clr K J Halstead OAM and seconded by Clr G McLaughlin

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday 29 July 2020 MN 304/20 to MN 307/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3.1 20/1509

Clr K J Halstead OAM declared a less than significant non-pecuniary interest in Item 12.1 Development Applications Determined from 23 June 2020 to 26 July 2020 as his son has submitted a development application. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1 20/1509

Clr K J Halstead OAM declared a less than significant non-pecuniary interest in Item 12.2 Development Applications Received from 23 June 2020 to 26 July 2020 as his son has submitted a development application. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

7. MAYORAL MINUTES

7.1 Resignation of Councillor Gordon Markwart

Reference: 102 102/5
Report Author: Mayor T D Gair
Authoriser: Mayor T D Gair
Link to Community
Strategic Plan:

PURPOSE

To acknowledge the resignation of Councillor Gordon Markwart and thank him for his contributions to the Wingecarribee Shire since being elected as councillor in September 2016.

MN 311/20

MOTION moved by Mayor Cllr T D Gair and seconded by Cllr G J Andrews

THAT Council acknowledge the resignation of Councillor Gordon Markwart and thank him for his contributions to the Wingecarribee Shire since being elected as a councillor in September 2016.

PASSED

8. PUBLIC FORUM

12.4 *Heritage Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral, and Request for Interim Heritage Order*

Mr Dennis McManus addressed Council in favour of the recommendation

17.2 *Questions with Notice 31/2020 Station Street Upgrade*

Ms Janine Armstrong addressed Council on this item.

The Acting General Manager left the meeting, the time being 3.52pm

The Acting General Manager returned to the meeting, the time being 3.53pm

The Acting General Manager addressed Council on this item.

18.1 *Notice of Motion 30/2020 - Local Housing Strategy and Local Strategic Planning Statement – Wensleydale*

Mr Ryan Smythe addressed council in favour of the recommendation.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral

Reference:	19/1042
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment
Applicant:	Le Ralais Pty Ltd
Owner:	Tony & Serena Antoun
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider Development Application 19/1042 which seeks development consent for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Ms Christine Ducker addressed Council against the recommendation on this item.

Ms Alison Stephens addressed Council in favour of the recommendation on this item.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

The Acting General Manager left the meeting, the time being 4.32pm

The Acting General Manager returned to the meeting, the time being 4.42pm

MOTION moved by Deputy Mayor G M Turland and seconded by Clr G J Andrews

***THAT** Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be APPROVED by way of a deferred commencement consent, subject to attached conditions of consent as described in Attachment 1 to the report.*

MN 312/20

AMENDMENT moved by Clr I M Scandrett and seconded by Clr K J Halstead OAM

THAT Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be DEFERRED to allow the applicant to redesign the development as follows:

- **THAT** units 4 and 5 be single storey;
- **THAT** both units be the same height; and
- **THAT** unit 4 is adjusted to be on the same level as unit 5.

VOTING ON THE AMENDMENT

For the amendment: Clr K J Halstead OAM, Clr G McLaughlin, Clr P W Nelson and Clr I M Scandrett

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair and Deputy Mayor G M Turland

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

VOTING ON THE MOTION

For the motion: Clr K J Halstead OAM, Clr G McLaughlin, Clr P W Nelson and Clr I M Scandrett

Against the motion: Clr G J Andrews, Mayor Clr T D Gair and Deputy Mayor G M Turland

PASSED

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Tender for Bowral Cemetery Improvements – 107 Kangaloon Road, Bowral

Reference:	RFT6330/20.14
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction Works at 107 Kangaloon Road, Bowral.

MN 313/20

MOTION moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

1. **THAT** in relation to the report concerning Tender for Bowral Cemetery Improvements – 107 Kangaloon Road, Bowral - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tender from Simpson Landscapes and Consultants Pty Ltd at a Lump Sum of \$222,246 (Inclusive of GST) to undertake Construction Works – 107 Kangaloon Road, Bowral.

PASSED

11.2 Draft Walking Tracks Strategy

Reference:	6880/8
Report Author:	Asset Strategy Officer Sport and Recreation
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

To seek approval for the Draft Walking Tracks Strategy to be placed on public exhibition with the community invited to provide feedback and comments.

The Manager Assets addressed Council on this item.

The Acting Deputy General Manager Operations, Finance and Risk addressed Council on this item.

MN 314/20

MOTION moved by Clr G McLaughlin and seconded by Clr I M Scandrett

THAT the Draft Walking Tracks Strategy be endorsed for public exhibition for a period of twenty-eight (28) days.

PASSED

11.3 Sale of Council Property - Frankland Street Mittagong

Reference:	PN556900
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to provide Council with a factual update regarding the settlement of Lot 3, 10 Frankland Street, Mittagong; which was requested via a Notice of Motion resolved by Council at its meeting 22 July 2020.

MN 315/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT Council note that the terms of the contract for sale have been strictly adhered to for the sale of Lot 3, 10 Frankland Street, Mittagong AND strictly in accordance with the resolutions of council (MN1/19) and (MN151/20).

PASSED

Deputy Mayor Clr G M Turland requested his dissenting vote be recorded.

11.4 Proposed Road Closure - Part Argyle Street - Mittagong

Reference:	PN 43000; RD 3111
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to provide Council with a formal update on the proposed road closure of part-road Argyle Street, Mittagong; which was requested via a Notice of Motion resolved by Council at its meeting 22 July 2020.

The Acting Deputy General Manager Operations, Finance and Risk addressed Council on this item.

The Acting General Manager addressed Council on this item.

MOTION moved by Clr G McLaughlin and seconded by Clr K J Halstead OAM

1. **THAT** Council note the information provided within this report with respect to the proposed road closure and sale of part-road Argyle Street Mittagong.
2. **THAT** Council confirm the current formal offer for the sale of the part-road to the applicant for \$50,000 plus GST.

MN 316/20

AMENDMENT moved by Clr P W Nelson and seconded by Clr I M Scandrett

1. **THAT** Council note the information provided within this report with respect to the proposed road closure and sale of part-road Argyle Street Mittagong.
2. **THAT** Council offer the sale of the part - road Argyle Street, Mittagong (being the owner of 6 Argyle Street Mittagong) at the valuation received from the independent valuer of \$62,500 plus GST .

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

MOTION PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 23 June 2020 to 26 July 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 23 June 2020 to 26 July 2020.

MN 317/20

MOTION moved by Cllr G McLaughlin and seconded by Cllr P W Nelson

THAT the information relating to the lists of Development Applications Determined for the period 23 June 2020 to 26 July 2020 be received and noted.

PASSED

12.2 Development Applications Received from 23 June 2020 to 26 July 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 23 June 2020 to 26 July 2020.

MN 318/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

1. **THAT** the information relating to Development Applications Received from 23 June 2020 to 26 July 2020 be received and noted.
2. **THAT** the following items be brought to Council:
 - Item 39 – 21/0077 – 1 Argyle Street, Mittagong NSW 2575 Lot 2 Sec 4 DP2133;
 - Item 40 – 20/0306.03 – 556 Argyle Street, Moss Vale NSW 2577 Lot 6 DP1226255.
3. **THAT** the following items be added to the weekly circular:
 - Item 1 – 20/0470.01 1 Cloud Lane, Avoca NSW 2577 Lot 2 DP1245627; and
 - Item 4 – 19/1229.01 – 1 Kangaloon Road, Bowral NSW 2576 Lot 10 DP808740.

PASSED

12.3 Development Application 20/0355 - Use of an Existing Farm Building and its Immediate Surrounds for Auction Sales of Antique Furniture and Old Wares Occurring Twice per Year Over a 5 Year Period at 4980 Illawarra Highway, Robertson

Reference:	20/0355
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	Colin Vickers
Owner:	Colin Vickers
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 20/0355 which seeks development consent for the use of an existing farm building and its immediate surrounds for auction sales of antique furniture and old wares occurring twice per year over a 5 year period at Lot 6 DP 739043, being 4980 Illawarra Highway, Robertson. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Group Manager, Planning Development and Regulatory Services addressed Council on this item.

MN 319/20

MOTION moved by Cllr I M Scandrett and seconded by Deputy Mayor G M Turland

1. **THAT** Development Application 20/0355 which seeks development consent for the use of an existing farm building and its immediate surrounds for auction sales of antique furniture and old wares occurring twice per year over a 5 year period at Lot 6 DP 739043, being 4980 Illawarra Highway, Robertson be **APPROVED** for a trial period of two events per year over a 2 year period subject to conditions as described in Attachment 1 to the report and the inclusion of the following condition:

- **THAT** auctions not be held over the annual Easter weekend.

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Deputy Mayor Cllr G M Turland and Cllr I M Scandrett

Against the motion: Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr P W Nelson

PASSED

CLR MCLAUGHLIN PROPOSED A FORESHADOWED MOTION.

FORESHADOWED MOTION moved by Cllr G McLaughlin

THAT Council determine Development Application by way of refusal.

The foreshadowed motion lapsed as the original motion was passed.

12.4 Heritage Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral, and Request for Interim Heritage Order

Reference:	5650/9, 5650/4, PN 1705222
Report Author:	Strategic Land Use Planner (Heritage)
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is to bring to Council's attention the identification of a property in Bowral that has been assessed as having heritage significance to the Wingecarribee Shire and that is under threat of future development. The report presents a heritage assessment that has been undertaken of the property which concludes that the site is worthy and meets the threshold for heritage listing and requests that Council authorise an Interim Heritage Order to protect the property while a Planning Proposal is prepared for the listing of the property and its inclusion in the Bowral Conservation Area.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Coordinator Strategic Land Use Planning addressed Council on this item.

MN 320/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

1. **THAT** Council supports the proposed heritage listing of 'Yarrabin', 32 Kangaloon Road, Bowral (Lot 40 DP 862808) and the extension of the Bowral Conservation Area to include the property.
2. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add "'Yarrabin' house and garden, including horse chestnut tree (*Aesculus hippocastanum*)" as a new heritage item and to extend the boundaries of the adjacent Bowral Conservation Area to include this property.
3. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
6. **THAT** Council supports the placement of an Interim Heritage Order (No. 11) over 32 Kangaloon Road, Bowral immediately, AND THAT pursuant to Council's resolution, the Interim Heritage Order be valid for 12 months to allow for the preparation and processing of the Planning Proposal.
7. **THAT** the property owner and surrounding neighbours be advised of Council's decision.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead OAM, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor Clr G M Turland

Against the motion: Nil

12.5 Proposed Amendments to Code of Meeting Practice

Reference:	100/3
Report Author:	Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present an amended draft Code of Meeting Practice (draft Meeting Code) for Council's consideration to place on public exhibition.

The Acting General Manager addressed Council on this item.

MOTION moved by Deputy Mayor G M Turland and seconded by Clr I M Scandrett

THAT Council not endorse the amended Draft Wingecarribee Shire Council Code of Meeting Practice for public exhibition.

LOST

THE MAYOR CLR T D GAIR PROPOSED A FORESHADOWED MOTION

MOTION moved by Mayor Clr T D Gair and seconded by Clr G J Andrews

1. **THAT** Council endorse the amended Draft Wingecarribee Shire Council Code of Meeting Practice (Attachment 1) for public exhibition for a period of 28 days, noting that submissions will be accepted during the exhibition period and for a further 14 days following the conclusion of the exhibition period.
2. **THAT** a further report be brought back to Council following the public exhibition period.

THE FORESHADOWED MOTION BECAME THE MOTION

LOST

12.6 Mayor and Deputy Mayor Election 2020

Reference:	102/4
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to determine the date and method of the 2020 Mayor and Deputy Mayor Elections.

MN 321/20

MOTION moved by Cllr P W Nelson and seconded by Cllr K J Halstead OAM

1. **THAT** an Extraordinary Meeting be held on Wednesday 16 September 2020 via video conference commencing at 6.00pm to conduct the election of Mayor and Deputy Mayor.
2. **THAT** in accordance with Schedule 7, Part 1 Preliminary 3 of Local Government (General) Regulation 2005, the method of electing the Mayor and Deputy Mayor for the 2020/2021 term be by Open Voting.

PASSED

12.7 Local Government Conference 2020

Reference: 102 204/2019
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Provide opportunities to participate in futures thinking and nurture ideas

PURPOSE

The purpose of this report is to determine attendance arrangements for the 2020 Local Government New South Wales (LGNSW) conference, to be held from Sunday 22 November to Tuesday 24 November at the Crowne Plaza, Hunter Valley.

MOTION moved by Cllr I M Scandrett and seconded by Deputy Mayor Cllr G M Turland

1. **THAT** Council not physically attend the Local Government NSW Annual Conference in 2020;
2. **THAT** Council write to LGNSW seeking them to investigate options for on line voting of conference motions;
3. **THAT** Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Wednesday 26 August 2020.
4. **THAT** a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 9 September 2020 AND THAT the Mayor submit any proposed motions to the conference organisers by Monday, 28 September 2020.
5. **THAT** the delegates be determined on 9 September 2020.

MN 322/20

AMENDMENT moved by Clr P W Nelson and seconded by Clr G J Andrews

1. **THAT Council attend in person the Local Government NSW Annual Conference in 2020;**
2. **THAT Council write to LGNSW to investigate options for on line voting of conference motions;**
3. **THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Wednesday 26 August 2020;**
4. **THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 9 September AND THAT the Mayor submit any proposed motions to the conference organisers by Monday, 28 September 2020;**
5. **THAT the delegates be determined on 9 September 2020.**

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

MOTION PASSED

12.8 Update on the Wingecarribee Animal Shelter Project

Reference:	5501/8
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to provide an update on the progress of the capital replacement of the Wingecarribee Animal Shelter facility.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item

The Acting General Manager addressed Council on this item.

MOTION moved by Cllr P W Nelson

1. **THAT** Council receive and note the update on the Capital Replacement of the Wingecarribee Animal Shelter Project.
2. **THAT** Council examine the cost of transferring the animals from the animal shelter to either Campbelltown City Council and/or Goulburn City Council.

MOTION LAPSED THROUGH WANT OF A SECONDER

MN 323/20

MOTION moved by Cllr I M Scandrett and seconded by Deputy Mayor Cllr G M Turland

1. **THAT** Council receive and note the update on the Capital Replacement of the Wingecarribee Animal Shelter Project
2. **THAT** by December 2020 a report be brought to Council for the potential options for the purchase of land for the animal shelter.

PASSED

13. GENERAL MANAGER

13.1 Exclusion of Notice of Motion from Business Paper on 12 August 2020

Reference:	503/60
Report Author:	Acting General Manager
Authoriser:	Acting General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To advise Council of the exclusion of part of one item from the Ordinary Meeting of Council dated 12 August 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required, the Acting General Manager advises that one part of a submitted Notice of Motion was excluded in accordance with Clause 3.20 above. This is because part 2 of the Notice of Motion conflicts section 223 of the *Local Government Act 1993* and the following clauses of Council’s adopted Code of Conduct:

“7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.”

“7.6 You must not engage in any of the following inappropriate interactions:

- a. Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters”.

As such, the Acting General Manager determined it would be unlawful to include part 2 of the NoM on the agenda.

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 19 June 2020

Reference:	2102/3
Report Author:	A/Internal Audit and Legal Support Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 19 June 2020.

The Acting General Manager addressed Council on this item.

MN 324/20

MOTION moved by Cllr P W Nelson and seconded by Cllr G J Andrews

1. **THAT** recommendations AR 13/20 to AR 23/20 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 19 June 2020 be adopted, save for any items which have budgetary implications, AND THAT any item with budgetary implications and which is unfunded be referred to the Finance Committee for consideration.
2. **THAT** at the next meeting of Council a Council representative be chosen to replace the vacant councillor position.

PASSED

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 30/2020 - Report on Alternate Bowral Bypass

Reference: 101/2 7457
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Clr Halstead OAM

Received: 27 July 2020

Subject: Report Alternate Bowral Bypass

MN 325/20

MOTION moved by Clr K J Halstead OAM and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 30/2020 – Report on Alternate Bowral Bypass - be noted.

PASSED

17.2 Questions with Notice 31/2020 Station Street Upgrade

Reference: 101/2 7457
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Deputy Mayor Clr Turland
Received: 3 August 2020

Subject: Station Street Upgrade

MN 326/20

MOTION moved by Deputy Mayor Clr G M Turland and seconded by Clr I M Scandrett

THAT the information in relation to Question with Notice 31/2020 – Station Street Upgrade - be noted.

PASSED

17.3 Questions with Notice 32/2020 Federal Grant Funding

Reference: 101/2 7801
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Deputy Mayor Clr Turland
Received: 3 August 2020

Subject: Federal Grant Funding

MN 327/20

MOTION moved by Clr P W Nelson and seconded by Clr K J Halstead OAM

THAT the information in relation to Question with Notice 32/2020 – Federal Grant Funding - be noted.

PASSED

17.4 Questions with Notice 33/2020 General Manager Contract of Employment

Reference: 101/2 503/60
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Deputy Mayor Clr Turland

Received: 3 August 2020

Subject: General Manager's Contract of Employment

MN 328/20

MOTION moved by Clr P W Nelson and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 33/2020 General Manager Contract of Employment - be noted.

PASSED

Deputy Mayor Clr G M Turland and Clr I M Scandrett requested their dissenting votes be recorded.

17.5 Questions with Notice 34/2020 Appointment of General Manager

Reference: 101/2 503/60
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Deputy Mayor Clr Turland
Received: 3 August 2020

Subject: Appointment of General Manager

The Acting General Manager addressed Council on this item.

MN 329/20

MOTION moved by Deputy Mayor Clr G M Turland and seconded by Mayor Clr T D Gair

1. **THAT** Council proceed with the process of recruiting a new General Manager in February 2021.
2. **THAT** Council hold an information session to discuss the options available to Council in relation to the recruitment process.

PASSED

17.6 Questions with Notice 35/2020 Royal Commission into NSW Bushfire Inquiry

Reference: 101/2 6437/4
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Deputy Mayor Clr Turland
Received: 3 August 2020

Subject: Appointment of General Manager

The Acting General Manager addressed Council on this item.

MN 330/20

MOTION moved by Clr P W Nelson and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 35/2020 Royal Commission into NSW Bushfire Inquiry - be noted.

PASSED

Clr K J Halstead OAM, Deputy Mayor Clr G M Turland and Clr I M Scandrett requested their dissenting votes be recorded.

MN 331/20

EXTENSION OF TIME moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7.45pm.

EXTENSION OF TIME PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 30/2020 - Local Housing Strategy and Local Strategic Planning Statement - Wensleydale

Reference:	100/4 5600/8
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors Scandrett, Turland and Halstead OAM have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 August 2020:

The Acting General Manager left the meeting, the time being 7.28pm

The Acting General Manager returned to the meeting, the time being 7.35pm

MN 332/20

MOTION moved by Clr I M Scandrett and seconded by Clr K J Halstead OAM

1. **THAT** Council undertake a review of the Local Housing Strategy and Local Strategic Planning Statement to remove the Wensleydale property and include the two sites identified from the exhibition between March and May 2020 into the Local Housing Strategy and Local Strategic Planning Statement.
2. **THAT** Council write to the Department of Planning advising the intention to review both the Local Housing Strategy and Local Strategic Planning Statement documents as per point 1 above.
3. **THAT** Council write to the landowners of the 2 locations nominated in Colo Vale during the public exhibition period advising that Council is prepared to receive Planning Proposals for their land subject to the necessary amendments being adopted by Council to the Local Housing Strategy and Local Strategic Planning Statement for the inclusion of the subject locations to be shown as a potential long-term living area.

PASSED

VOTING ON THE MOTION

For the motion: Clr K J Halstead OAM, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Mayor Clr T D Gair and Clr P W Nelson

18.2 Notice of Motion 31/2020 Wellness Survey

Reference:	100/4 843/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Halstead has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 August 2020:

The Acting General Manager addressed Council on this item.

MN 333/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr I M Scandrett

THAT the Acting General Manager facilitate an 'up to date' Wellness Survey (Staff Satisfaction Survey) of ALL staff. This survey is to be undertaken by an external 'independent' person qualified to undertake this task.

PASSED

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

Council did not move into Closed Council.

19.1 Tender for Bowral Cemetery Improvements – 107 Kangaloon Road, Bowral

Reference:	RFT6330/20.14
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction Works at 107 Kangaloon Road, Bowral.

This item was dealt with earlier in the meeting on page 8 MN 313/20

20. RESUMPTION OF OPEN AGENDA

107/10

Council remained in open Council throughout the meeting.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.48 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 12 August 2020 numbered M/N 308/20 to M/N 333/20 were signed by me hereunder at the Council Meeting held on Wednesday 26 August 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 26 AUGUST 2020

CHAIRMAN

PUBLIC OFFICER